IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.947 OF 2003.

Mohamodon A.Jallow & others. ... Petitioners
Versus.
The State of Maharashtra. ... Respondent.

Mrs.Pranali Kakade for the Petitioners.

Ms.S.D.Shinde, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 25th October, 2005.

P.C.:

1. Heard the learned Advocate appointed by this Court for the Petitioners and the learned A.P.P. for the State.

2. The grievance of the Petitioners who have filed this petition through Jail is that they are in custody in connection with many cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 and they have not been produced in the concerned Courts on various dates fixed in the cases. With the assistance of the learned Advocate appearing for the Petitioners and the learned A.P.P., I have perused the averments made in the petition as well as in the affidavit-in-reply filed by the Superintendent of Mumbai Central Prison. In the affidavit apart from denial of the allegations made in the petition, it is stated that on several occasions adequate Police squad is not provided by the Head

Quarter, and preference is given to those undertrial prisoners in whose cases evidence is being recorded. On some occasions on formal dates, the Petitioners may not have been produced. It must be noted here that the petition is signed several persons some of whom are foreigners. Today a chart is produced for my perusal to show that on many dates the Petitioners were taken to the appropriate Courts and only on some occasions they could not be taken. After hearing the Advocates appearing for the parties, and perusing the chart produced today, and the averments made in the affidavit-in-reply, I find that substantial compliance has been made by the Respondents with the provisions of law. Only when the situation was out of control, the concerned prisoners were not produced before the Courts.

3. In view of the statements made in the affidavit-in-reply, no direction can be given. The petition is accordingly disposed of.

Judge.